

PATENT APPLICATION SERIAL NO. _____

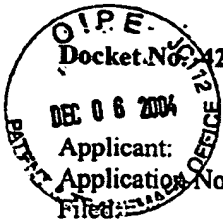
U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

12/16/2004 MNGUYEN 00000003 134900 10772085

01 FC:1001	790.00 DA
02 FC:1202	432.00 DA

Adjustment date: 05/02/2005 SDIRETA1
12/16/2004 MNGUYEN 00000003 134900 10772085
01 FC:1001 790.00 CR
02 FC:1202 432.00 CR

PTO-1556
(5/87)



Docket No.: 4204.33-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joel Marquart, et al.
Application No.: 10/772,085
Filed: February 4, 2004
For: Computer-Assisted Knee Replacement
Apparatus and Method

Docket No.: 4204.33-1
Examiner: TBD
Art Unit: 3737

RESPONSE TO NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION

EXPRESS MAIL LABEL NO. 111 EV568572606US

MAIL STOP: MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being sent by the United States Postal Service Express Mail Post Office to Addressee to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 6, 2004.

Name:

MARC HUBBARD

Signature:

[Signature]

Dear Sir:

In response to the Notice of Notice of Missing Parts of Nonprovisional Application mailed May 5, 2004, submitted herewith are:

1. Return copy of Notice of Missing Parts of Nonprovisional Application;
2. A Petition for Extension of Time under 37 C.F.R. 1.136(a);
3. A Petition under 37 CFR 1.41(a) and check in the amount of \$130 to cover required fee under 37 C.F.R. 1.17(i);
4. A check in the amount of \$2340 to cover the fee of \$2080 required under 37 C.F.R. 1.17(a), the processing fee required under 37 C.F.R. 1.17(i), and the surcharge fee of \$130 required under 37 C.F.R. 1.16(e); and
5. A return Receipt Postcard.

A continuation application, claiming priority to the above-referenced application, is being filed concurrently herewith pursuant to 37 C.F.R. 1.53(b).

Please retain the referenced application pursuant to 37 C.F.R. 1.53(f). If a required petition for extension of time under 37 C.F.R. §1.136(a) is not included herewith, please treat this paper as a petition for the extension. The Director is hereby authorized to credit any overpayment or charge any additional fees necessitated with this communication to Deposit Account 13-4900.

Respectfully submitted,

Date:

6/2/2004

Marc A. Hubbard
Reg. No. 32,506

Munsch Hardt Kopf & Harr, P.C.
4000 Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2790
Telephone: (214) 855-7571
Facsimile: (214) 855-7584

DALLAS 995425_1 4204.29

05/02/2005 SDIRETA1 00000002 10772085
01 FC:8025
130.00 DP

MUNSCH HARDT
KOPF & HARRIS
ATTORNEYS AT LAW
DALLAS | HOUSTON | AUSTIN

FAX

ADDRESS / TELECOMMUNICATION

4000 FOUNTAIN PLACE
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2790

WEBSITE WWW.MUNSCH.COM

TELEPHONE (214) 855-7500
FACSIMILE (214) 855-7584

March 23, 2005

C/M#: 4204.33-2 (New #7773.5-1)

Please deliver as soon as possible to:

Recipient	Company	Fax No.	Phone No.
Attn: Latrice Sims	U.S. Patent and Trademark Office - Refunds - Deposit Account	703.308.5077	

From: Marc A. Hubbard

Phone #: 214.855.7571

Total number of pages (including this cover sheet): 6

Hard Copy of Document to Follow: No

Special Messages:

U.S. Serial No. 10/772,085

Filed: February 4, 2004

We are resending documents forwarded by fax on January 19, 2005 requesting a refund to our deposit account (14-3900). Included is a copy of the fax cover sheet confirming that the fax was successfully sent on January 19, 2005.

Confidentiality Expectation

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Confirmation Report-Memory Send

Time : Jan-19-05 05:52pm
 Tel line 1 : +2148557584
 Name : MUNSCH HARDT

Job number : 369
 Date : Jan-19 05:50pm
 To : +12*7773*5*917033085077
 Document Pages : 05
 Start time : Jan-19 05:50pm
 End time : Jan-19 05:52pm
 Pages sent : 05
 Job number : 369

*** SEND SUCCESSFUL ***

MUNSCH HARDT
 KOPF & HARR
 DALLAS, HOUSTON, AUSTIN

FAX

January 19, 2005

ADDRESS: 1400 MOUNTAIN FLAGE
 1400 MOUNTAIN FLAGE
 DALLAS TEXAS 75202-3700
 WEBSITE: WWW.MUNSCH.COM
 TELEPHONE: (214) 555-7500
 FACSIMILE: (214) 555-7501
 C/M#: 7773.5-1

Old C/M: 4204.33-2

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Recipient

Company

Fax No.

Phone No.

U.S. Patent and Trademark
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703.308.5077

From: Marc A. Hubbard

Phone #: 214.855.7571

Total number of pages (including this cover sheet): 5

Hard Copy of Document to Follow: No

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Practitioner's Docket No. 4204.33-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joel Marquart et al.
Serial No.: 10/772,085
Filed: February 4, 2004
Examiner: TBD
Group No.: 3738
Title: Computer-Assisted Knee Replacement
Apparatus and Method

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

**REQUEST FOR REFUND
(IMPROPER CHARGES OF DEPOSIT ACCOUNT)**

I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 13-4900, shown on the statement dated December 6, 2004, for the above-identified application.

A copy of the monthly statement, in which the errors referred to occur, accompanies this request.

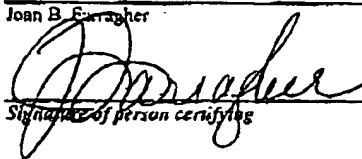
II. FEES CHARGED FOR WHICH REFUND REQUESTED

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to 703-308-5077 of the U.S. Patent and Trademark Office (Refunds - Deposit Accounts)

Date: January 19, 2005

Joan B. Enraght



Signature of person certifying

**AMOUNT OF
REFUND
REQUESTED**

Filing Fee	790.00
Additional Claims Fee	432.00

TOTAL REFUND REQUESTED**\$1,222.00****III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

On December 6, 2004, Applicants filed a Response to Notice of Missing Parts of Nonprovisional Application, a copy of which is attached. On the attached transmittal, Applicants indicated that a continuation application was being filed concurrently and requested that the referenced application be retained under 37 C.F.R. §1.53(f). The authorization to charge the deposit account for additional fees was limited to those "necessitated" by the paper. Payment of the basic filing fee and additional claims fee was not necessary given the request to retain the application and the filing of the continuation application. Therefore, authorization to pay the basic filing fee and additional claims fee was not given, and the charges for these fees are in error. Refund of these fees is respectfully requested.


IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 13-4900.

Date: 1-17-2005

Munsch Hardt Kopf & Harr, P.C.
1445 Ross Avenue, Suite 4000
Dallas, TX 75202-2790
Tel. No.: 1-214-855-7571
Fax No.: 1-214-855-7584

Customer No. 23559



Marc A. Hubbard
Reg. No.: 32,506



**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month: December 2004
 Deposit Account Number: 134900
 Name: MUNSCH HARDT KOPF HARR & DINAN P C
 Attention: MARC A HUBBARD, ESQ
 Address: 1445 ROSS AVENUE
 City: DALLAS
 State: TX
 Zip: 75202

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/08	2	09721729	12410RR	1202	\$18.00	\$3,024.00
12/16	2	10772142	4204.32-1	1001	\$790.00	\$2,234.00
12/16	3	10772142	4204.32-1	1202	\$18.00	\$2,216.00
12/16	4	10772085	4204.33-1	1001	\$790.00	\$1,426.00
12/16	5	10772085	4204.33-1	1202	\$432.00	\$994.00
12/16	32	10771851		9204	-\$710.00	\$1,704.00
12/16	40	10771851	4204.35-1	1255	\$710.00	\$994.00
12/17	6	09645970	5019-7-1	2202	\$54.00	\$940.00
12/17	7	09645970	5019-7-1	2201	\$43.00	\$897.00
12/22	49	60235376		8007	\$20.00	\$877.00
12/23	67	78537112	980393.2	7001	\$335.00	\$542.00
12/30	131	SERVICE CHARGE		9202	\$25.00	\$517.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,042.00	\$3,235.00	\$710.00	\$517.00

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Docket No. 4204.33-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joel Marquart, et al.
Application No.: 10/772,085
Filed: February 4, 2004
For: Computer-Assisted Kneec Replacement
Apparatus and Method

Docket No.: 4204.33-1
Examiner: TBD
Art Unit: 3737

RESPONSE TO NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION

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P.O. Box 1450
Alexandria, VA 22313-1450

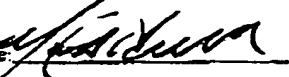
CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being sent by the United States Postal Service Express Mail Post Office to Addressee to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 6, 2004

Name:

Marc Hubbard

Signature:



Dear Sir:

In response to the Notice of Notice of Missing Parts of Nonprovisional Application mailed May 5, 2004, submitted herewith are:

1. Return copy of Notice of Missing Parts of Nonprovisional Application;
2. A Petition for Extension of Time under 37 C.F.R. 1.136(a);
3. A Petition under 37 CFR 1.41(a) and check in the amount of \$130 to cover required fee under 37 C.F.R. 1.17(i);
4. A check in the amount of \$2340 to cover the fee of \$2080 required under 37 C.F.R. 1.17(a), the processing fee required under 37 C.F.R. 1.17(i), and the surcharge fee of \$130 required under 37 C.F.R. 1.16(e); and
5. A return Receipt Postcard.

A continuation application, claiming priority to the above-referenced application, is being filed concurrently herewith pursuant to 37 C.F.R. 1.53(b).

Please retain the referenced application pursuant to 37 C.F.R. 1.53(f). If a required petition for extension of time under 37 C.F.R. §1.136(a) is not included herewith, please treat this paper as a petition for the extension. The Director is hereby authorized to credit any overpayment or charge any additional fees necessitated with this communication to Deposit Account 13-4900.

Respectfully submitted,

Date:

6/20/2004

Marc A. Hubbard
Reg. No. 32,506

Munsch Hardt Kopf & Harr, P.C.
4000 Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2790
Telephone: (214) 855-7571
Facsimile: (214) 855-7584

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12/08/04
 OIPE
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DEC 06 2004

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/772,085	02/04/2004		4204.33-1

CONFIRMATION NO. 2381

23559
 MUNSCH, HARDT, KOPF & HARR, P.C.
 INTELLECTUAL PROPERTY DOCKET CLERK
 1445 ROSS AVENUE, SUITE 4000
 DALLAS, TX 75202-2790

FORMALITIES LETTER



OC000000012530353

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$216 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$666 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

| 12/09/2004 MAHME1 00000064 10772085
 01 FC:1051 130.00 OP

Adjustment date: 05/02/2005 SDIRETA1
 12/09/2004 MAHME1 00000064 10772085
 01 FC:1051 -130.00 OP

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